

Appendix F

Lake Watersheds that are Eligible for the Compensation Fee Mitigation Option

As an alternative to project based off-site treatment mitigation, the Stormwater Management Law sets up the Compensation Fee Program. This program allows the Department to let the developer offset a portion of the phosphorus reduction required for the project to meet its phosphorus budget by paying a compensation fee to the Department. The Department, or an authorized local entity, accumulates compensation fee funds in accounts for each individual lake watershed, and uses these funds to provide long term solutions to priority chronic phosphorus sources within the watershed. The department is not required to allow use of this program in all project cases, and there are a number of lake watersheds where it is not appropriate. These include small, relatively undeveloped lake watersheds that happen to be in a region of high growth. In these cases there are few if any opportunities to address existing problems in the watershed. It may also include watersheds where a large amount of restoration work has already been performed and any problems remaining to be addressed are more expensive than the compensation rate can cover. Lastly, it includes areas where there are no local watershed management agencies (i.e. soil and water conservation districts, watershed districts, etc) interested in developing and implementing mitigation projects. Developers should not assume that the compensation fee is an option until they have checked to be sure it is available in the lake watershed in which the proposed development is located. The lakes listed below have watersheds in which the Department is confident eligible mitigation projects can be found and implemented. The compensation fee option is available for all lakes on this list, which will be updated on a regular basis. If the proposed development is in a lake watershed that is not on this list, the developer may check with the DEP Division of Watershed Management staff to see if the lake in question might be added to the list.